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PUBLIC HEARING MEMORANDUM

Public Hearing Date:	Nov. 8, 2010
Zoning and Planning Action Date:	Jan. 10, 2011
Board of Aldermen Action Date:	Jan. 18, 2011
90-Day Expiration Date:	Feb. 4, 2011

DATE: November 8, 2010

TO: Alderman Marcia T. Johnson, Chairman, and
Members of the Zoning and Planning Committee

FROM: Candace Havens, Interim Director of Planning and Development 
Jennifer Molinsky, Interim Chief Planner for Long Range Planning

RE: **Public Hearing**
#142-09(5) ZONING & PLANNING COMMITTEE proposing that subsection 30-15(u) of Chapter 30 relative to floor area ratio, as established by Ordinance Z-51, dated August 10, 2009, be amended by extending the provisions of paragraphs no. 1. 2. and 3. from December 31, 2010 to February 28, 2011.

CC: Board of Aldermen
Planning and Development Board
John Lojek, Commissioner of Inspectional Services
Marie Lawlor, Assistant City Solicitor

The purpose of this memorandum is to provide the Board of Aldermen, Planning and Development Board, and the public with technical information and planning analysis which may be useful in the decision making process of the Board. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Zoning and Planning Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

BACKGROUND

On March 16, 2009, the City adopted Ordinance Z-44 eliminating Footnote 7 from Sec. 30-15, Table 1, *Density & Dimensional Controls in Residence Districts and for Residential Use*. This footnote contained multiple subsections affecting Floor Area Ratio (FAR), including the well-known "50% demolition" loophole. This action eliminated the provision whereby residential redevelopment or rehabilitation involving large additions could qualify for unlimited FAR. However, a significant result of this change was to apply FAR to all existing single-family and two-family homes. As a result, "bump-outs" and "mudroom" additions previously possible as of

right were now precluded when constrained by FAR limits, unless a homeowner was willing to request an exception pursuant to a special permit.

The Zoning and Planning Committee sought to address these concerns by providing relief for certain modest additions through Ordinance Z-51, adopted August 10, 2009, commonly referred to as the "FAR bonus" or "FAR bump." Ord. Z-51 also clarified FAR-related Footnotes 5 and 6 and relocated these provisions into the new subsection 30-15(u) of the Zoning Ordinance. While the FAR relief mechanisms were initially made subject to a time limit ending July 30, 2010, the expiration date was extended to December 31, 2010 per Ordinance Z-69, adopted July 12, 2010. ***Most recently, the Zoning and Planning Committee docketed petition #142-09(5) to further extend the end date to February 28, 2011.*** The additional two months will provide continuity in the FAR portion of the Zoning Ordinance while the Committee continues to consider the FAR Working Group's proposals to more substantially modify FAR provisions. Based on the progress to date, it appears that the Zoning and Planning Committee may be in a position to hold public hearings on a set of proposed changes to the FAR system in the near future.

Specifically, petition #142-09(5) seeks to amend the existing (previously extended) December 31, 2010 "sunset" dates pertaining to the FAR "bonus" measures contained in subsection 30-15(u), paragraphs 1, 2, and 3, respectively. The proposed revised extended date is February 28, 2011.

DISCUSSION

The Planning and Development Department supports the proposed extension of Ord. Z-51 to February 28, 2011. This will keep current FAR provisions in place for an additional two months while the Committee continues to work toward the consideration and possible adoption of amendments pertaining to FAR. Without this amendment, the FAR bonuses adopted under Ordinance Z-51 will expire at the end of December, likely before the set of modifications to FAR that is currently under discussion at the Committee could be adopted.

In the future, if the proposed revisions to FAR currently under consideration (or similar provisions) are adopted, it would make sense to coordinate the final sunset date of Z-51 with the implementation date of the new FAR system.